



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: CLC:CBcd160223

16 February 2023

Dr James Popple
Chief Executive Officer
Law Council of Australia
DX 5719 Canberra

By email: john.farrell@lawcouncil.asn.au

Dear Dr Popple,

Current and Proposed Sexual Consent Laws in Australia

Thank you for the opportunity to provide input for the proposed Law Council submission to the Senate Legal and Constitutional Affairs Legislation Committee in relation to its inquiry into current and proposed sexual consent laws in Australia (**Inquiry**). The Law Society's Criminal Law Committee contributed to this submission.

The Law Society welcomes the Inquiry and supports, as a matter of principle, a clear and nationally consistent approach to sexual consent laws in Australia. A uniform approach would better support and facilitate clear messaging and education on sexual consent across all jurisdictions, working to prevent sexual assault by promoting a clear understanding of full and informed consent.

However, we note that developing a uniform law would be a substantial undertaking, involving significant and substantive consultation with all relevant stakeholders, extensive technical drafting and a detailed implementation process. As sexual consent laws interplay with other legislative provisions and practices under state and territory laws, developing a national approach would also require consideration of the potential impact of any proposed reform on other legislation in each jurisdiction, including criminal procedure provisions, policing and court practices and jury directions. The requirement for all state and territory parliaments to pass and commence uniform legislation in a timely fashion, and to commit to not subsequently making unilateral changes, would also be a significant undertaking.

If a nationally consistent approach to sexual consent laws is to be pursued, the Law Society would be available to assist on matters including the legislative framework and practices for sexual consent laws and sexual assault offences in NSW, and to consider any proposed uniform legislation. We would be grateful for the opportunity to provide further feedback relating to proposed sexual consent laws in Australia as this work progresses.

If you have any questions in relation to this letter, please contact Claudia Daly, Policy Lawyer on (02) 9926 0233 or by email: claudia.daly@lawsociety.com.au.

Yours sincerely,

Cassandra Banks
President